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PATENT
HMD2000-1-CIPA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Thomas N. Giaccherini, et al.

Examiner:

Serial No.: 09/688,997

Group Art Unit: 2132

Title: **Method for Utilizing
Excess Communications Capacity****RECEIVED**

FEB 15 2002

Technology Center 2100

Filed: 16 October 2000

CERTIFICATE OF MAILING UNDER 37 C.F.R. SECTION 1.8

The undersigned hereby certifies that this document is being deposited with the United States Postal Service in accordance with the provisions of 37 CFR Section 1.8 on the date indicated below and is addressed to The Assistant Commissioner for Patents, Attention: BOX DD, Washington, D.C. 20231.


Thomas N. Giaccherini, Registration No. 31,075

Date

25 Jan
2002**FIRST DISCLOSURE STATEMENT**

The Assistant Commissioner for Patents
Box DD
Washington, D.C. 20231

Sir:

The Applicants submit this First Disclosure Statement and completed Form PTO/SB/08A for their pending U.S. Patent Application. The documents listed in this First Disclosure Statement were cited in an International Search Report from the European Patent Office for a corresponding PCT International Patent Application which was mailed to the Applicants on 19 December 2001. A copy of the EPO ISR accompanies this First Disclosure Statement.

DISCLOSURE DOCUMENTS

U.S. Patent No. 5 864 557 issued to Lyons discloses a transport stream encoder, which comprises a plurality of component signal sources.

PCT International Patent Application Publication No. WO 97/18651 owned by Hughes Aircraft Company discloses a method and apparatus for an adaptor card for use in a computer to provide conditional access by the computer to incoming data streams. A copy of this document accompanies this First Disclosure Statement.

CERTIFICATION

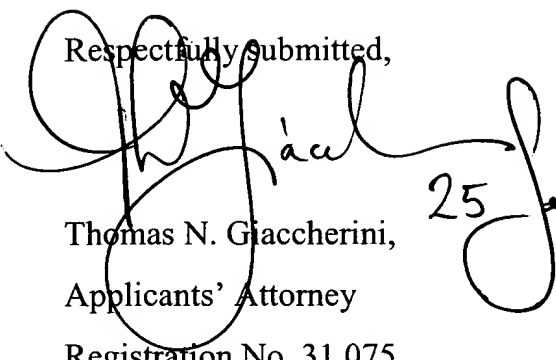
Each item of information contained in this First Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this First Information Disclosure Statement.

CONCLUSION

The Applicants submit that none of the documents described above disclose the Invention as claimed in the present Patent Application. The Applicants believe that no fee is required to submit this First Disclosure Statement.

First Disclosure Statement for U.S. Patent Application entitled
Method for Utilizing Excess Communications Capacity
HMD2000-1-CIPA

Respectfully submitted,


Thomas N. Giaccherini,
Applicants' Attorney
Registration No. 31,075

25 Jan 2002.

Thomas N. Giaccherini

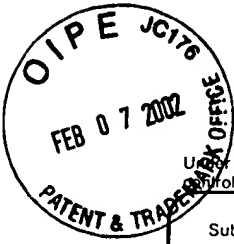
Post Office Box 1146

Carmel Valley, California 93924

831.659.5300

Mailed to the United States Patent Office

on Friday, 25 January 2002 with a Rule 8 Certificate.



PTO/SB/08A (10-01)
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Substitute for form 1449A/PTO <h2 style="text-align: center; margin: 0;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="text-align: center; margin: 10px 0;"><i>(use as many sheets as necessary)</i></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: right; padding: 5px;"><i>Complete if Known</i></th> </tr> <tr> <td style="width: 50%; padding: 5px;">Application Number</td> <td style="padding: 5px;">09/688,992</td> </tr> <tr> <td style="padding: 5px;">Filing Date</td> <td style="padding: 5px;">16 OCT 2000</td> </tr> <tr> <td style="padding: 5px;">First Named Inventor</td> <td style="padding: 5px;">GIACCHERINI</td> </tr> <tr> <td style="padding: 5px;">Art Unit</td> <td style="padding: 5px;">2132</td> </tr> <tr> <td style="padding: 5px;">Examiner Name</td> <td style="padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">Attorney Docket Number</td> <td style="padding: 5px;">HMD2000-1-CIPA</td> </tr> </table>	<i>Complete if Known</i>		Application Number	09/688,992	Filing Date	16 OCT 2000	First Named Inventor	GIACCHERINI	Art Unit	2132	Examiner Name		Attorney Docket Number	HMD2000-1-CIPA
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FOREIGN PATENT DOCUMENTS							
Examiner Initials	Cite No. 1	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ²
		Country Code 3	Number* - Kind Code* (if known)				
			W097/18651		HUGHES		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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